

North Smithfield Zoning Board of Review

February 18, 2009, 7:00 pm

Primrose Fire Station

1470 Providence Pike, North Smithfield

The Chair called the meeting to order at 7:25 pm. (Waiting for all Board members to arrive due to bad weather.)

1. Roll Call

Present: Bill Juhr, Vincent Marcantonio, Stephen Kearns, Guy Denizard, Mario DiNunzio, Paul Pasquariello. Also present were Building Official Bob Benoit and Assistant Solicitor William Savastano.

2. Disclosure of no compensation or pension credits received by the board members.

3. Discussion and review of findings of fact--Application of Joe Jenks (owner Mary Zurowski), requesting to construct a building to be used as a religious institution, which requires a Special Use Permit, per section 5.4.4, subsection 5. Locus is 1054 Victory Highway, Plat 1, Lots 141 & 151.

The Chair read the following letter from the applicant's attorney, John Shekarchi, into the record:

18 February 2009

Bill Savastano

RE: Jehovah Witness Application

Dear Bill,

As per our discussion, it is my understanding that the North Smithfield Zoning Board has expressed interest in not finalizing the decision this evening. I believe they want to send it back to the Planning Board for some guidance and upon that Planning Recommendation, either then finalizing their decision or the possibility of changing their vote of denial.

My clients would be amenable to this arrangement subject to the following:

- 1. That this can be accomplished within 45 days (we do not want to get continued for months on end.**
- 2. That Attorney Reilly, the abutters' attorney, is put on notice of the Board's meeting so he has an opportunity to be heard.**
- 3. That you are able to find some statutory or case law precedent to allow this. (As discussed I am in Florida at a convention and unable to do the research).**

Although we will be appealing to either Federal District Court or the Superior Court and we are very comfortable with our Record and believe we will win in appeal, we are open to discussion and want to

work with the Town and be a good neighbor.

Sincerely,

John Shekarchi

The Board discussed that they believe they acted in good faith and made the correct decision, but to be fair to all parties and to show that they are willing to work with the applicant to try to mitigate the Board's concerns, they will consider Mr. Shekarchi's request. They also discussed the fact that they wanted to send the application to the Planning Board last summer but were advised not to do so.

After discussing different options, the Board took the following action:

Mr. DiNunzio made the motion: In the case of the application of Joe Jenks (owner Mary Zurowski), requesting to construct a building to be used as a religious institution, which requires a Special Use Permit, per section 5.4.4, subsection 5. Locus is 1054 Victory Highway, Plat 1, Lots 141 & 151, the Board hereby reverses its decision of January 27, 2009, without prejudice and refers the case, with a list of the Zoning Board's concerns, to the Planning Board for their recommendation. The applicant will then return to the Zoning Board for reconsideration and further hearings. Mr. Kearns seconded the motion. Roll call vote was as follows: AYE: Mr. Marcantonio, Mr. Juhr, Mr. Kearns, Mr. Denizard, Mr. DiNunzio.

Mr. Juhr stated that the Board would like to make it clear that there is

no time restriction on the application going before the Planning Board.

Mr. Juhr made a motion to adjourn at 8:30 pm. Mr. Kearns seconded the motion, with all in favor.